

### **REMARKS**

In response to the Examiners restriction requirement and election of species, Applicant chooses Group I and the benzyl alcohol species. Claims 1 and 4-32 read on Group I and the benzyl alcohol species.

### **TRAVERSAL**

Several aspects of the Examiner's restriction requirement are traversed. First, the Examiner's breakdown of the groups appears to have a typographical mistake. The Examiner excluded Claims 4-32 from any of the three listed groups. While Applicant is not sure why the Examiner made this mistake, it is presumed the Examiner meant to include these Claims with Group I.

Second, the Examiner has argued that Claim 1 lacks a special technical feature and therefore Claim 2-3 and 6-7 lack unity of invention. Applicant has not reviewed the substance of the Examiner's assertion that 6,027,741 in view of the "Biomedical Implants and Devices" article by Sherlock renders obvious Claim 1. Should the Examiner reject Claim 1 in view of these two references, Applicant will analyze and respond to the Examiner's rejection. In addition, in the event the Examiner is persuaded that Claim 1 as originally filed or amended is allowable over the prior art, Applicant shall request the Examiner to rejoin Claims 2-3 for examination on the merits.

Third, the Examiner's election of species which requires the Applicant elect a specific type of alcohol within Claim 2 and Claim 3 is improper, as an individual claim may not itself be divided into subspecies. This point is moot however, as Applicant has elected to prosecute the group containing benzyl alcohol which contains Claims 6-7 for examination.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully request that the Examiner consider the elected claims for examination on the merits. A timely allowance of the pending claims is requested.

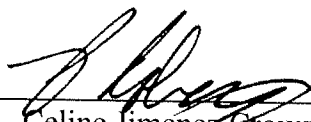
In the event that an appropriate fee amount is not enclosed by check for any fees due in connection with the filing of this Response or requisite extensions of time, please charge any deficiencies or credit any overpayments to Deposit Account No. 50-1349.

Finally, the Examiner is invited to contact the undersigned by telephone to discuss any matters that the Examiner feels may expedite the progress of the present application toward allowance.

Respectfully submitted,

Dated: January 16, 2009

**HOGAN & HARTSON LLP**  
555 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
Telephone: 202-637-5600  
Facsimile: 202-637-5910  
email: [dcptopatents@hhlaw.com](mailto:dcptopatents@hhlaw.com)  
Customer No.: 24633

By:   
Celine Jimenez Crowson  
Registration No. 40,357

Paul A Roberts  
Registration No. 56,990